

The Salisbury Planning Board held its regular meeting Tuesday, October 11, 2005, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Len Clark, Bryan Duncan, Lou Manning, Brian Miller, Sandy Reitz, Valarie Stewart, Albert Stout, Bryce Ulrich, Price Wagoner, Charlie Walters, and Diane Young

ABSENT: Dr. Mark Beymer

STAFF: Janet Gapen, Dan Mikkelsen, Preston Mitchell, Diana Moghrabi, and David Phillips

Chairman **Brian Miller** called the meeting to order. Bryan Duncan offered the invocation. The minutes of the September 13, 2005 meeting were approved as published.

ZONING MAP AMENDMENT

**A. Z-13-05 Autumn Care Facilities, Ltd.
 914 Newsome Road
 057 063
 4.82 Acres
 From R-8 to B-1**

Located along the western right-of-way line of Newsome Road, approximately 660 feet south of Bringle Ferry Road.

Single-Family Residential District (R-8 district): The single-family-8 residential district is intended primarily for detached single-family dwellings and their customary accessory buildings or structures.

Office Institutional (B-1): The office institutional district is intended primarily for the location of businesses of a service type which do not maintain a stock for goods for sale or retail trade.

This petition for general district rezoning where specific uses in the B-1 district are not to be scrutinized, written comments made on the petition allow staff to safely assume that the intent of the rezoning is to allow for the expansion of the existing Autumn Care nursing home. The subject site is located within an area considered by the Comprehensive Plan as a "newer, existing neighborhood."

Mr. Mitchell provided an in-depth, written report to the Planning Board which included traffic figures, history of the Planning Board's disapproval of a previous request to rezone the property in 1966, and the phenomenon called "creep." Staff recommendation is to disapprove Z-13-05, since it is contrary to the adopted Salisbury Vision 2020 Comprehensive Plan.

Those speaking in favor:

Mr. Glenn Ketner, 121 East Kerr Street, is an attorney speaking on behalf of Autumn Care. He stated that 11 individuals, immediate owners of surrounding properties, signed a statement of support and he distributed copies of the statement to the Planning Board. He made an effort to contact neighbors to discuss this property rezoning.

Josephine Peeler, lives at 102 Fairfax Drive on the corner of Newsome Road, suggested that she would rather have Autumn Care expand their facility than any other option. She was in opposition of the rezoning in 1966. Most of the infill housing is not owner occupied.

Maryl Kathleen Walters of 218 N. Ellis Street is a co-owner of 521 Pinewood Avenue, along with her son, David. Their property "is the last home on Pinewood Avenue that this property is behind." She was vehemently opposed previously when developers wanted to build multi-family housing in this area. This is a quiet, well-established neighborhood. There has been a good deal of inferior infill housing in this neighborhood. The neighborhood would be well served with Autumn Care as a neighbor.

Doug Sudreth, Development for Autumn Corporation, 1414 Hwy 268, Lenoir, NC. He has been with Autumn Corporation since 1983 and was involved with the original development of this property. Autumn Corporation is a privately owned corporation with 24 facilities in North Carolina and Virginia.

Mr. Sudreth is addressing the needs of the "baby boomers", which is different than what was desired in the past. They are moving toward more private rooms and a complete renovation of the current facility. They will not be adding any rooms--just adding space. The project will probably cost \$2 million. This is a living environment more than a medical facility. There are plans to build a new therapy suite.

He was surprised by the staff recommendation. He does not feel that traffic patterns will be as heavy as residential traffic patterns. There is ingress and egress on both Bringle Ferry and Newsome Roads.

He is not aware of any property owner opposed to this project.

Joann Woolard, 117 Pecan Lane, did speak to neighbors individually to see how they felt about Autumn Care expanding their facility on this property. She stated that the issue was met favorably with all whom she spoke to.

Mr. Ketner has had the privilege of working with Autumn Care for a long time. He feels that the community needs this kind of facility and that they do an excellent job. It is disappointing to him to be in an adversarial position with staff about this rezoning. It is his perception that the staff report is based on the Salisbury Vision 2020 Comprehensive Plan that is policy--not law. He cited a variety of other neighborhoods that presently work well with B-1 adjacent. The group development process will serve as a safety net. He warned that the City of Salisbury needs to be business friendly.

Those speaking in opposition:

Doris High of 513 Pinewood Avenue said she was not in favor of the rezoning. She lives behind the property and needed to understand what could happen if the property was rezoned to B-1.

Board discussion:

Len Clark asked questions about the location of Pinewood Avenue and the extension of that street to meet Newsome Road; he had concerns about housing between the properties.

Sandy Reitz felt that this is not an instance she feels she can deny the request. The neighborhood wants it, there is a need, and Autumn Care provides a much-needed service.

Lou Manning had reservations about approving this request because this rezoning does sit in the middle of a residential neighborhood. He is in favor of Autumn Care, but he is concerned about taking care of the neighborhood.

Diane Young asked if this applicant's only option is to rezone to B-1. There is no guarantee that Autumn Care will build what is being suggested. Planning Board could recommend approval of rezoning this property to B-1 and something different could be built on the property. Ms. Young would like to see the list of B-1 uses. Any plan over 10,000 square feet would have to go through the group development process. Valarie Stewart shared the concerns that Diane Young mentioned. Charlie Walters asked about worst-case scenario if rezoned to B-1.

The applicant could purchase the property and request a B-1 S District; a Special Use Permit must be requested by the property owner. There are some unknowns that the Board wishes to explore.

Len Clark made a motion to send Z-13-05 to Legislative Committee B in order to become familiar with all of the potential B-1 uses.

Albert Stout and Sandy Reitz voted against sending Z-13-05 to committee. (9-2)

Z-13-05 is now moving to committee and will return to Planning Board October 25, 2005. The item must receive Planning Board action before any action can occur at City Council. The petitioner will advise staff if they prefer to meet Friday, October 14 at 8:30 a.m., or Tuesday, October 18, at 8:30 a.m., or if they wish to resubmit an application for a Special Use Permit. If the property owner wishes to resubmit the application, staff can offer guidance. The secretary will advise committee members of their choice.

ZONING TEXT AMENDMENTS

Used Cars Sales & Service in the B-7 District

Petitioner, Affordable Cars of Hickory-Statesville, submitted a request to amend the City Zoning Code pertaining to the sales and service of used cars in the B-7 (Limited Business) District.

The current zoning code states: "Automobile sales and services with the sale of used cars permitted only as an accessory use to the sales of new cars and with the major repair and overhaul of motor vehicles being conducted entirely within the structure."

The Limited Business District was designed as a non-cumulative zone that permits a specific list of uses, and all uses in this district are required to undergo Group Development site plan review. There is a very small amount of B-7 district properties throughout the city. The largest section would be in the area of Salisbury Mall.

Sign requirements would be as follows:

Staff finds no objection to the requested amendment since the sale of new or used cars will be required to undergo Group Development site plan review, where the City Council is authorized to impose reasonable, more restrictive conditions on the development.

Steve Blackstock of Affordable Cars stated that the ability to sell used cars is already in the code and requested a favorable consideration.

Lou Manning felt this was very clear and did not feel that there was anything to discuss. He then made a motion to recommend approval of the zoning text amendment as submitted. The motion was seconded with all members voting AYE. (10-0)

GROUP DEVELOPMENTS

**A. G-16-04 Grace Worship Center International
901 S. Boundary Street
Tax Map 018, Parcel 226, Zoning M-1**

Reverend Troy D. Russell, for Grace Worship Center International, resubmitted the group development application for the construction of a 12,754 square foot church and parking due to the one-year time limit expiring. All zoning criteria have been met. The Technical Review Committee (TRC) recommends approval of the application to the Salisbury Planning Board, as submitted.

Public Comment: None

Board Discussion:

Lou Manning made a motion to recommend approval of G-16-04 as resubmitted. Albert Stout seconded the motion with all members voting AYE. (9-0)

**B. G-09-04 Overton Elementary School
1825 Park Road
Tax Map 002-A, Parcel 001, Zoning R-8**

Mr. Kenny Chavis of Rowan/Salisbury schools submitted the group development application for the addition of two 14' x 56' modular classroom units totaling 1,568 square feet. All zoning criteria have been met. The TRC recommends approval of the application to the Salisbury Planning Board as submitted.

Public Comment: None

Board Discussion:

Sandy Reitz made a motion to recommend approval of G-09-04. Bryan Duncan seconded the motion with all members voting AYE. (9-0)

**C. G-01-75 Salisbury High School
TM-013 & 019, Parcels – 135 & 404
Zoning B-1**

Mr. Pete Bogle of Ramsay, Burgin Smith Architects, Inc. submitted the group development application to include the construction of a metal storage building and a revision to the previously approved parking facility to be located on Caldwell Street. All zoning criteria have been met. The TRC recommends approval of the application as submitted.

The size of the parking lot was reduced to nearly one-half the original size. An additional drive on Caldwell Street requires a variance from City Council. The proposed equipment building is 40' x 90'. Minimum landscaping is proposed to screen the building from residences.

Property owners within 100 feet were notified by mail of this request.

Public Comment: None

Board Discussion:

Lou Manning made a motion to recommend approval of G-01-75 as submitted. Price Wagoner seconded the motion with all members voting AYE. (9-0)

COMMITTEES

- A. Report from Legislative Committee A on front yard storage of miscellaneous vehicles.

Preston Mitchell reviewed the committee report that Planning Board members received in their agenda packages.

The committee ultimately decided the following:

A motion to delay any action so as to allow this issue to tie in with the front yard parking issue that was recently discussed by a Community Appearance Commission sub-committee who recommended that the issue be reviewed with the ongoing rewrite of the Land Development Ordinance. The motion was unanimously approved (4-0) by Legislative Committee A.

Diane Young made a motion to accept the motion as submitted. All members voted AYE. (9-0)

OTHER BOARD BUSINESS

Other Board Members

Lou Manning reported that the trip to High Point was very interesting and some items their Planning Board did differently we will try. (Today a podium was set in front of Planning Board at which members of the public will speak.) The 6 p.m. dinner format and conversation prior to the meeting helped to build camaraderie among Planning Board members; Mr. Manning enjoyed that idea. Salisbury's technology, however, is to be applauded.

Staff

Janet Gapen is preparing for the next round of sub-committee meetings for the N. Main Small Area Plan. The committee meetings have been scheduled as follows:

Housing – Wednesday, October 26, 3-5:00 p.m.


Economic Conditions – Wednesday, November 2, 3-5:00 p.m.


Living Environment – Thursday, November 3, 3-5:00 p.m.

- ❖ All meetings will be held in Room A at the City Park facility.

Preston Mitchell reported that the ITRE sidewalk inventory has been received by the City of Salisbury. Our GIS coordinator, Kat Clifton, is mapping the data and we are moving forward.

There being no further business to come before the Board, the meeting was adjourned at 5:50 p.m.


Brian Miller, Chairman


Secretary, Diana Moghrabi

Lou Manning, Vice Chairman